THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO: 9374 of 2005

DATED:03.08.2005

Between:

V.Suguna, W/o.Jayasankar- Ex-serviceman, aged 41 years,

Secondary Grade Teacher, Panyam Cements

Aided Elementary School, Cement nagar, Kurnool.

……PETITIONER

AND

1.The District Educational Officer,

Kurnool and two others.

……RESPONDENTS

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO:9374 of 2005

ORDER

This Writ Petition is filed by the petitioner aggrieved by the inaction of the respondents in granting approval as to the recruitment of the petitioner as Secondary Grade Assistant.

It is stated that six posts of Secondary Grade Assistants fell vacant in the year 2003. The third respondent, who is the correspondent of the school, made application seeking approval of the first respondent for filling up the vacancies and accordingly the first respondent passed orders on 7.7.2003 granting approval for filling up of the vacancies of six Secondary Grade Assistants, of which, one is shown as reserved for O.C. Ex-servicemen (Women). It is stated that in pursuance of the said approval for filling up of the vacancies granted by first respondent, selections were taken up on 17.8.2004 and were finalized. On 18.8.2004 the names of the selected candidates were forwarded by the third respondent for approval of the first respondent. The first respondent, though approved with reference to the five posts, did not pass any orders with reference to the sixth post, which is reserved for O.C. Ex-servicemen (Women), to which, the petitioner was selected, as certain clarifications were sought for and finally, an order was passed by the second respondent-Director of School Education on 24.1.2005 in the light of the orders passed by the Government in Memo, dated 20.10.2004 under which, the Government imposed a ban for filling up of new posts as well as vacant aided posts. Therefore, it is the grievance of the petitioner that in the light of the said proceedings passed by the second respondent, the first respondent did not pass any orders either approving the appointment of the petitioner or rejecting the proposal sent by the third

respondent. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

This Court has taken the view that the ban imposed by the Government by its memo, dated 20.10.2004 has no application with reference to the vacant aided posts which were approved by the competent authorities for filling up of those vacancies prior to 20.10.2004. In the present case, admittedly, the first respondent passed orders of approval for filling up of the vacant posts as early as on 07.07.2003. In fact, for the six posts, which were approved for filling up, the third respondent forwarded list of candidates for approval to the first respondent, out of which, five were already approved and filled up, but only the petitioner's case was kept pending and finally in the light of the orders of the second respondent, dated 24.1.2005 the first respondent is not passing any orders.

As this Court has taken the view that the ban has no application, the respondents are under obligation to consider and pass appropriate orders in accordance with law with reference to the vacant aided posts where approvals were granted prior to the ban. Therefore, the respondents are obligated to pass appropriate orders for approval of the proposal sent by the third respondent even with reference to the petitioner's case i.e. with reference to the sixth post, which was approved for filling up as early as on 07.07.2003.

Under the above circumstances, the respondents 1 and 2 are directed to pass appropriate orders expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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S. ANANDA REDDY,J

03rd AUGUST, 2005

tsr.